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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,439	08/02/2001	Gurbinder Singh Kalsi	60130-1179/00MRA0557	6121
26096	7590	10/28/2003	EXAMINER	
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			MCANULTY, TIMOTHY P	
			ART UNIT	PAPER NUMBER
			3682	
DATE MAILED: 10/28/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/921,439

Applicant(s)

KALSI ET AL.

Examiner

Timothy P McAnulty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) /
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1,2,5-7,9,10, and 12-26 are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent Application EP 0 684 356 A1.

EP 0 684 356 A1 discloses in figures 14-16, an actuator comprising a chassis; a rotatable gear 5 driveable by a motor 3; an output element 7; a resilient drive transfer device 19; ramps 5d which connect and disconnect the drive transfer device from the output element; and a resilient stop member 8 pivotally connected to the chassis; said stop member having a forward stop arm and a reverse stop arm.

Regarding claim 1, the drive transfer device is inherently operably disconnectable from the output lever.

Regarding claim 9, the drive transfer device is inherently operably reconnectable with the output lever.

Regarding claim 18 and 21, the stop member is inherently resiliently movable by changing of an angle between the forward stop arm and the reverse stop arm.

3. Claims 1-7,9,10 and 12-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Dilger et al.

Dilger et al. discloses in figures 1-2 and 6 an actuator comprising a drive gear 21; an output element 12; a transfer device 32 resiliently biased in a first direction by a first resilient means 33; a first ramp 31 and a second ramp (not referenced); and a stop device 19.

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Regarding claim 18 and 21, the stop member is inherently resiliently movable by changing of an angle between the forward stop arm and the reverse stop arm.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dilger et al. in view of Yamada.

Dilger et al. discloses the basic apparatus as previously cited but does not disclose said drive transfer device being a pin. However, Yamada et al. teaches in figures 1,2, and 12 an actuator comprising among other things a drive transfer device pin 76 resiliently biased by a resilient member 86. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Dilger et al. in view of Yamada to provide said drive transfer device as a pin so as to increase and thus improve the mechanical connection between said drive transfer device and the output element during engagement therebetween.

***Allowable Subject Matter***

6. The indicated allowability of claims 3,4, and 8 is withdrawn in view of the newly discovered reference(s) to Dilger et al. Rejections based on the newly cited reference(s) are previously set forth.

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7. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art discloses or teaches the basic apparatus as previously cited but does not disclose said drive transfer device being a pin resiliently biased in a first direction by a first resilient means and resiliently biased in a second direction by a second resilient means.

### *Response to Arguments*

8. Applicant's arguments filed 20 August 2003 have been fully considered but they are not persuasive. The transfer device 19 of EP 0 684 356 A1 is shown in figure 15(a) thereof to be a separate component from the output element 7. Two separate components are inherently operably disconnectable from one another. Furthermore, the limitation that one element is operably disconnectable from another, even if the two elements are not separate, merely limits the two elements to being separable, i.e., removable from one another, not connected. Any two elements, regardless of the connection therebetween, inherently have this ability. Similarly, once disconnected, the two elements can also be inherently reconnected.

Additionally, any element has a degree of resiliency. Resiliency is the ability of an element to return to its original size and shape after a deformation. This is defined mechanically by any elastic deformation of an element within the elastic range of its stress-strain curve, i.e., not plastically deformed. Resiliency, as well as rigidity, are merely relative terms.

### *Conclusion*

9. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 20 August 2003 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 609(B)(2)(i). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy P McNulty whose telephone number is 703.308.8684. The examiner can normally be reached on Monday-Friday (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on 703.308.3668. The fax phone numbers for the organization where this application or proceeding is assigned are 703.872.9326 for regular communications and 703.872.9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.1113.

tpm   
October 24, 2003

  
DAVID A. BUCCI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600